

March 30, 2018

*Via ECF*

Hon. Naomi Reice Buchwald  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: Request for Pre-Motion Discovery Conference in *Treasure Chest Themed Value Mail, Inc. v. David Morris International, Inc.*, 17 Civ. 00001 (NRB)**

Judge Buchwald:

On Monday, March 26, 2018, Defendant requested a pre-motion discovery conference before this Court (Dkt. No. 29) or, in the alternative, for the request to be denied thereby allowing Defendant to file its motion under Local Rule 37.2. As explained in the letter, this is Defendant's third request for permission to file a motion to compel documents responsive to DMI's first and only document requests that were served over seven months ago in August 2017.

This Court's Rules of Individual Practice state: "To arrange a pre-motion conference, the moving party shall submit a letter not to exceed three pages in length setting forth the basis for the anticipated motion. The other party should submit a response within three business days."<sup>1</sup>

As Plaintiff has not filed a responsive letter within three business days, Defendant respectfully requests that the Court set a date for a conference, or allow Defendant to file its motion within three weeks denying the request. Defendant also notes that it does not object to Plaintiff filing a responsive letter before the close of business Monday, April 2, 2018, and the letter being deemed timely *nunc pro tunc*.

Respectfully submitted,

/s/ Brian Lehman

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cc: all counsel by CM/ECF

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<sup>1</sup> Part 2(B) of Individual Practices of Hon. Naomi Reice Buchwald, United States District Judge available at [http://www.nysd.uscourts.gov/cases/show.php?db=judge\\_info&id=1406](http://www.nysd.uscourts.gov/cases/show.php?db=judge_info&id=1406).